



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/119,709	07/20/98	MCCLENDON	V 98.058CIP

PM31/1208

LARRY W MCKENZIE
WALKER MCKENZIE & WALKER
STE 434
6363 POPLAR AVE
MEMPHIS TN 38119-4896

EXAMINER
CONLEY, F

ART UNIT	PAPER NUMBER
3628	2

DATE MAILED: 12/08/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/119,709

Applicant(s)
MCLENDON

Examiner
Fredrick Conley

Group Art Unit
3628



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3628

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No.

4,413,368 to Schuetze.

In reference to claim 1, Schuetze disclose a fitted sheet 16, flat sheet (26,28), and a bed skirt 22 fixed along the periphery of the fitted sheet.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3628

4. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,924,543 to Hoss et al in view of U.S. Pat. No. 4,413,368 to Schuetze.

In reference to claims 1 and 3-4, Hoss discloses a flat sheet 18 sewn to a fitted sheet 15 and a pillow (23,24) having fasteners (25,26) located on a backside thereof. Hoss fails to disclose a bed skirt. Schuetze discloses a fitted and flat sheet ensemble with a bed skirt 22 depending therefrom. It would have been obvious to employ the bed skirt as taught by Schuetze on the ensemble of Hoss in order to improve the appearance of the bedding arrangement.

5. Claims 2, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,413,368 to Schuetze in view of 5,099,531 to Schmier.

In reference to claims, 2, 5, and 7, Schuetze discloses a fitted and flat sheet ensemble with a bed skirt 22 depending therefrom. Schuetze fails to disclose a comforter and a comforter attaching means. Schmier discloses a comforter 17 connected to a bedding ensemble through an attaching means 20. It is widely known that comforters are often used in combination with other bed clothing and it would have been obvious to employ the comforter taught by Schmier with the bed clothing of Schuetze in order to align and fix the bed clothing together. It would have been obvious matter of design choice to modify the bed clothing of Schuetze by employing snap fasteners, since applicant has not disclosed that the use of snap fasteners solves any stated problem or is for any particular purpose and it appears that the fasteners of Schuetze, as modified, would perform equally well.

Art Unit: 3628

6. Claims 2, 5-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,924,543 to Hoss et al in view of U.S. Pat. No. 4,413,368 to Schuetze, and further in view of U.S. Pat. No. 5,099,531 to Schmier.

In reference to claims 2, 5-6, and 8-9, Hoss discloses a flat sheet 18 sewn to a fitted sheet 15 and a pillow (23,24) having fasteners (25,26) located on a backside thereof. Hoss fails to disclose a bed skirt. Schuetze discloses a fitted and flat sheet ensemble with a bed skirt 22 depending therefrom. It would have been obvious to employ the bed skirt as taught by Schuetze on the ensemble of Hoss in order to improve the appearance of the bedding arrangement. Hoss discloses all of the Applicant's claimed limitations except for having a comforter and a comforter attaching means. Schmier discloses a comforter 17 connected to a bedding ensemble through an attaching means 20. It is widely known that comforters are often used in combination with other bed clothing and it would have been obvious to employ the comforter taught by Schmier with the bed clothing of Schuetze in order to align and fix the bed clothing together. It would have been obvious matter of design choice to modify the bed clothing of Schuetze by employing snap fasteners, since applicant has not disclosed that the use of snap fasteners solves any stated problem or is for any particular purpose and it appears that the fasteners of Schuetze ,as modified, would perform equally well.

Art Unit: 3628

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 2,245,779 to Heil

U.S. Pat. No. 5,321,862 to Campbell


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick Conley whose telephone number is (703) 308-7468.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Dorner, can be reached on (703) 308-0866. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

F.C.

December 7, 1998


MICHAEL F. TRETTEL
PRIMARY EXAMINER
ART UNIT 358